

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

In re:)	Chapter 11
)	
EASTERN LIVESTOCK CO., LLC,)	Case No. 10-93904-BHL-11
)	
Debtor.)	

**TRUSTEE'S UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE BRIEF IN REPLY TO SUPPLEMENTAL
RESPONSES IN OPPOSITION TO TRUSTEE'S MOTION FOR
PARTIAL SUMMARY JUDGMENT REGARDING STATUTORY TRUST**

James A. Knauer ("Trustee"), Trustee of Debtor, Eastern Livestock Co., LLC ("ELC"), respectfully requests the Court for a 45 day extension of time to file a Reply to the supplemental responses filed by various parties to the Trustee's Motion for Partial Summary Judgment. In support, the Trustee states as follows:

1. The Trustee originally filed his Motion for Partial Summary Judgment in Adv. Proc. No. 11-59093 (*Friona Industries, L.P., et. al. v. Eastern Livestock Co., LLC, et. al.*) (the "Texas Interpleader") on October 24, 2011. The Trustee's Motion for Partial Summary Judgment requested judgment on the issues of constructive trust, statutory trust, and clearing agency issues. After briefing, the Court entered an order on February 10, 2012, granting the Trustee's Motion for Partial Summary Judgment in part on the constructive trust issue. The Court's order also deferred ruling on the application of the Packers and Stockyards Act ("PSA") to Eastern, and particularly with respect to statutory trust and clearing agency issues. That same order gave objecting defendants 90 days to conduct additional discovery and to designate additional evidence with respect to those issues. Subsequently, the deadline to file supplemental responses was extended until August 15, 2012.

2. In the Texas Interpleader, the Cattle Producers¹ and CPC Livestock, LLC ("CPC") each filed a supplemental response to the Trustee's Motion for Partial Summary Judgment on August 15, 2012. CPC and some of the Cattle Producers (specifically, Bluegrass Stockyards of Campbellsville, LLC, Bluegrass Stockyards of Richmond, LLC and Piedmont Livestock Company, Inc.) also filed notices of these filings in the main bankruptcy matter, stating that the legal and factual issues in the Texas Interpleader are equally applicable to the legal and factual issues in the "contested matter" involving the Trustee's Purchase Money Claim Report, and incorporated those filings by reference.

3. Pursuant to S.D. Ind. B-7056 and S.D.Ind. L.R. 56.1, the Trustee's deadline to file a reply brief to the supplemental responses filed by the Cattle Producers and CPC in the Texas Interpleader is 14 days, with an additional three days added due to electronic service under Fed.R.Bankr.P. 9006(f). Accordingly, the Trustee's reply to the Cattle Producers' Supplemental Brief is currently due September 4, 2012,² which time has not yet expired.

4. The Trustee requires additional time to prepare and file a reply to the supplemental responses filed by the Cattle Producers and CPC, including time to conduct discovery related to the evidence that these parties designated in their supplemental responses. As such, the Trustee has filed an unopposed motion for such an extension in the Texas Interpleader. To the extent any formal reply or filing is necessary with respect to the "contested matters," the Trustee requests a corresponding extension.

¹ A collective Supplemental Memorandum was filed by the following defendants, whom were collectively defined as the "Cattle Producers": Bluegrass Stockyards, LLC, Bluegrass Stockyards of Campbellsville, LLC, Bluegrass Stockyards East, LLC, Bluegrass-Maysville Stockyards, LLC, Bluegrass Stockyards of Richmond, LLC, Bluegrass South Livestock Market, LLC, Alton Darnell, East Tennessee Livestock Center, Inc., Mosley Cattle Auction, LLC, Piedmont Livestock Company, Inc. and Southeast Livestock Exchange, LLC.

² The deadline, as calculated, falls on the Saturday of Labor Day weekend, and thus, the deadline is the Tuesday after the holiday.

WHEREFORE, the Trustee requests the Court for a 45 day extension of time, or until October 19, 2012, to file a reply brief to the supplemental responses that Bluegrass Stockyards of Campbellsville, LLC, Bluegrass Stockyards of Richmond, LLC and Piedmont Livestock Company, Inc., as well as CPC, have filed by notice and incorporation of their filings in the Texas Interpleader, and further requests all other just and appropriate relief.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Shawna M. Eikenberry

Counsel for James A. Knauer, Chapter 11 Trustee

James M. Carr (#3128-49)
Terry E. Hall (#22041-49)
Kevin M. Toner (#11343-49)
Harmony Mappes(#27237-49)
Dustin R. DeNeal (#27535-49)
Shawna M. Eikenberry (#21615-53)
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204-1782
Telephone: (317) 237-0300
Facsimile: (317) 237-1000
jim.carr@faegrebd.com
kevin.toner@faegrebd.com
terry.hall@faegrebd.com
harmony.mappes@faegrebd.com
dustin.deneal@faegrebd.com
shawna.eikenberry@faegrebd.com

Wendy W. Ponader (#14633-49)
600 East 96th Street, Suite 600
Indianapolis, IN 46240
Telephone: (317) 569-9600
Facsimile: (317) 569-4800
wendy.ponader@faegrebd.com

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David L. Abt
davidabt@mwt.net

Mark A. Robinson
mrobinson@vhlaw.com

Randall D. LaTour
rdlatour@vorys.com

Daniel J. Donnellon
ddonnellon@ficlaw.com

John W. Ames
james@bgdlegal.com

Jeremy S Rogers
Jeremy.Rogers@dinslaw.com

Meredith R. Thomas
mthomas@daleeke.com

Charles R. Wharton
Charles.R.Wharton@usdoj.gov

David L. LeBas
dlebas@namanhowell.com

Jessica E. Yates
jyates@swlaw.com

Laura Day Delcotto
ldelcotto@dlgfir.com

Ross A. Plourde
ross.plourde@mcafeetaft.com

Todd J. Johnston
tjohnston@mcjllp.com

Karen L. Lobring
lobring@msn.com

Elliott D. Levin
edl@rubin-levin.net

Sean T. White
swhite@hooverhull.com

Michael W. McClain
mike@kentuckytrial.com

James Edwin McGhee
mcghee@derbycitylaw.com

Jerald I. Ancel
jancel@taftlaw.com

David Alan Domina
dad@dominalaw.com

C. R. Bowles, Jr
cbowles@bgdlegal.com

Jeffrey R. Erler
jeffe@bellnunnally.com

John R. Carr, III
jrciii@acs-law.com

Stephen A. Weigand
sweigand@ficlaw.com

Robert Hughes Foree
robertforee@bellsouth.net

Ivana B. Shallcross
ishallcross@bgdlegal.com

William Robert Meyer, II
rmeyer@stites.com

James Bryan Johnston
bjtexas59@hotmail.com

Judy Hamilton Morse
judy.morse@crowedunlevy.com

John Huffaker
john.huffaker@sprouselaw.com

Kelly Greene McConnell
lisahughes@givenspursley.com

Walter Scott Newbern
wsnewbern@msn.com

Timothy T. Pridmore
tpridmore@mcjllp.com

Sandra D. Freeburger
sfreeburger@dsf-atty.com

John M. Rogers
johnr@rubin-levin.net

Jay P. Kennedy
jpk@kgdlaw.com

William E Smith
wsmith@k-glaw.com

Thomas C Scherer
tscherer@bgdlegal.com

Jeffrey J. Graham
jgraham@taftlaw.com

Kent A Britt
kabritt@vorys.com

John Hunt Lovell
john@lovel-law.net

Edward M King
tking@fbtlaw.com

Bret S. Clement
bclement@acs-law.com

John Frederick Massouh
john.massouh@sprouselaw.com

Kim Martin Lewis
kim.lewis@dinslaw.com

Deborah Caruso
dcaruso@daleeke.com

Allen Morris
amorris@stites.com

James T. Young
james@rubin-levin.net

John M. Thompson
john.thompson@crowedunlevy.com

Matthew J. Ochs
kim.maynes@moyewwhite.com

T. Kent Barber
kbarber@dlgfir.com

Kirk Crutcher
kcrutcher@mcs-law.com

Theodore A Konstantinopoulos
ndohbky@jbandr.com

Lisa Koch Bryant
courtmail@fbhlaw.net

John David Hoover
jdhoover@hooverhull.com

John R. Burns
john.burns@faegrebd.com

Kayla D. Britton
kayla.britton@faegrebd.com

David A. Laird
david.laird@moyewwhite.com

Trevor L. Earl
tearl@rswslaw.com

Joshua N. Stine
kabritt@vorys.com

Jill Zengler Julian
Jill.Julian@usdoj.gov

Michael Wayne Oyler
moyler@rwsvlaw.com

James E. Rossow
jim@rubin-levin.net

Steven A. Brehm
sbrehm@bgdlegal.com

James M. Carr
james.carr@faegrebd.com

Shawna M. Eikenberry
shawna.eikenberry@faegrebd.com

James A. Knauer
jak@kgirlaw.com

Christie A. Moore
cm@gdm.com

Peter M. Gannott
pgannott@gannottlaw.com

Joseph H. Rogers
jrogers@millerdollarhide.com

Andrew D. Stosberg
astosberg@lloydmc.com

Christopher M. Trapp
ctrapp@rubin-levin.net

Jeffrey L. Hunter
jeff.hunter@usdoj.gov

Jason W. Cottrell
jwc@stuartlaw.com

James B. Lind
jblind@vorys.com

Anthony G. Raluy
traluy@fbhlaw.net

Jack S. Dawson
jdawson@millerdollarhide.com

Terry E. Hall
terry.hall@faegrebd.com

Erick P. Knoblock
eknoblock@daleeke.com

Shiv Ghuman O'Neill
shiv.oneill@faegrebd.com

Eric C. Redman
ksmith@redmanludwig.com

James E. Smith
jsmith@smithakins.com

Kevin M. Toner
kevin.toner@faegrebd.com

Eric W. Richardson
ewrichardson@vorys.com

Amelia Martin Adams
aadams@dlgfir.com

Robert A. Bell
rabell@vorys.com

Melissa S. Giberson
msgiberson@vorys.com

U.S. Trustee
ustpregion10.in.ecf@usdoj.gov

Dustin R. DeNeal
dustin.deneal@faegrebd.com

Jay Jaffe
jay.jaffe@faegrebd.com

Harmony A. Mappes
harmony.mappes@faegrebd.com

Wendy W. Ponader
wendy.ponader@faegrebd.com

Joe T. Roberts
jratty@windstream.net

Robert K. Stanley
robert.stanley@faegrebd.com

Andrea L. Wasson
andrea@wassonthornhill.com

Joshua Elliott Clubb
joshclubb@gmail.com

I further certify that on August 29, 2012, a copy of the foregoing pleading was served via electronic mail transmission on the following:

Ashley S. Rusher
asr@blancolaw.com

Darla J. Gabbitas
darla.gabbitas@moyewwhite.com

/s/ Shawna M. Eikenberry